

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERTO MATA,

Plaintiff,

v.

AVIANCA, INC.,

Defendant.

Case No. 22-cv-1461 (PKC)

**DECLARATION OF CATHERINE M. FOTI IN RESPONSE TO
THE COURT'S ORDER OF MAY 26, 2023**

CATHERINE M. FOTI, declares, pursuant to 28 U.S.C. § 1746 and Local Civil Rule 1.9, under penalty of perjury, the following to be true and correct:

1. I am a principal of the firm Morvillo Abramowitz Grand Iason & Anello P.C., and counsel for non-party Peter LoDuca in the above captioned matter in connection with the Court's Order to Show Cause dated May 26, 2023 (Docket Entry No. 33, the "Order to Show Cause"). I submit this declaration in further support of Mr. LoDuca's declaration in response to the Court's Order to Show Cause addressing why he should not be subject to sanctions.

2. Attached hereto is a true and correct copy of Mr. LoDuca's declaration and accompanying exhibit submitted in response to the Court's Order to Show Cause.

3. Mr. LoDuca hereby joins in all of the arguments applicable to him contained in the Memorandum of Law, which we understand non-parties Stephen A. Schwartz and Levidow Levidow & Oberman, P.C. will file today in response to the Court's Order to Show Cause.

4. For the reasons set forth in Mr. LoDuca's attached declaration, his affidavit dated May 25, 2023 (Docket Entry No. 32), and the Memorandum of Law to be filed by Mr. Schwartz and Levidow Levidow & Oberman P.C., Mr. LoDuca respectfully requests that this Court decline to order sanctions against him.

Dated: New York, New York
June 6, 2023



CATHERINE M. FOTI